THE 17TH ANNUAL REPORT
OF THE

CRIMINAL INJURY COMPENSATION ACT OF BRITISH COLUMBIA

JANUARY 1, 1988 — DECEMBER 31, 1988

Administered by the Workers' Compensation Board of British Columbia for the Ministry of the Solicitor General

THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:
The Honourable Angus Ree
Solicitor General
Province of British Columbia
Agency responsible for the administration of the Act:
Workers' Compensation Board of British Columbia

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28 February 1989

TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF BRITISH COLUMBIA

May it please Your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1988 to 31 December 1988.

Yours respectfully,

Bill Greer

F. W. Greer
Acting Chairman
Workers' Compensation Board
Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since July 1, 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of the commission of any one of 50 criminal offences set out in the schedule of the Act or where the injury or death resulted while a person was trying to arrest an offender, prevent the commission of a crime or render assistance to a peace officer.

The legislation applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

2,820 new applications were received during the year, which when added to the 465 applications carried forward from the previous year, presented 3,285 claims for consideration and decision; of that number 2, 241 applications were disposed of leaving 1,044 cases to be carried forward to the following year. Since the Act has been in force, the Board has received a total of 16,424 applications.

Application forms are available to claimants at all Workers' Compensation Board offices located throughout the Province (see list of offices on the last page of this report). Information booklets explaining the provisions of the Act in general terms are also forwarded or given to every prospective claimant along with the application form. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

A random selection of claims processed during the year is contained in summary form on pages 16 to 21. Three decisions on actual claims have also been reproduced on pages 13 to 15 to illustrate the general format of the decision as well as the factors that are normally taken into consideration in dealing with applications under the Act.

COMPENSATION AWARDS

The Board may grant compensation in the form of a lump sum payment and/or a periodic award. The maximum lump sum payment that can be awarded, in respect of the injury or death of one victim, is $25,000. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by the Act. The Board is precluded from awarding compensation where the amount payable is less than $100.

Compensation may be awarded for: (a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death; (b) pecuniary loss or damages incurred by the victim as a result of total or partial disability affecting the victim's capacity for work; (c) pecuniary loss incurred by dependants as a result of the victim's death; (d) maintenance of a child born as a result of rape; (e) replacement or repair of broken or damaged artificial appliances, clothing, eyeglasses, dentures and hearing aids; and (f) other pecuniary loss or damages including and reflecting intangible elements such as pain and suffering, loss of amenities, loss of life expectancy, etc. The Board has regard to court awards and awards granted by other jurisdictions in determining the amount of compensation to be awarded in this latter category.

Compensation may also be granted for funeral and burial expenses where such expenditures are not provided for under an Act of Canada or the Province. The Board may also furnish or provide medical, surgical, hospital, nursing and other care or treatment, transportation, medicines, crutches and apparatus, including artificial members and other rehabilitative measures to victims of crime in addition to the other compensation provided by the Act.

A total of $6,300,797 was paid out in compensation awards in 1988. Of that total $4,285,649 was awarded in the form of lump sum payments and $2,015,148 was paid out in periodic awards. The latter includes ongoing paymens on awards granted in prior years. Since enactment of this legislation a total of $39,529,949 has been paid out in compensation awards.

The Province is responsible for paying all compensation and costs but, pursuant to a cost sharing agreement, which has been in effect since January 1, 1973, it recovers from the Government of Canada, except for administration costs, 25 cents per capita of the population of the Province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending March 31, 1988 the contribution by the Federal Government amounted to $731,500 or 25 cents per capita based on Statistics Canada population estimate of British Columbia as of June 1, 1987.

PUBLICATIONS

The experience of the Board, as well as the experience of other jurisdictions having similar compensation programs, has shown that the success of the Act depends to a large extent on informing the public of its existence. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, provincial judges, police stations, employer associations, unions, schools, social workers, victim/witness agencies, and the news media, among others.

During the past year the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding compensation awards continue to be sent to every newspaper, radio and television station in the Province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The Board has experienced a tremendous increase in claims volume in recent years with the workload increasing by over 70% in the past two years. 2,137 cases were adjudicated and finalized during the year. Awards were granted in 1,973 of these cases. The remaining 264 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were disallowed.

Sexual offences were the most common type of crime involved. Of the 1,973 awards that were granted during the year, 1,176 or approximately 60% of these involved sexual offences. These offences include cases involving the sexual abuse of children, in which there was a further and dramatic increase in applications in the past year. There were some 573 cases involving other assaults and this was the next most frequent category of crime (29%).

The expenditures for the year amounted to $6,866,661. Administration costs amounted to $565,864 or approximately 8% of that total. Additional details of these expenditures are contained on page 9 of this report.

ACKNOWLEDGEMENTS

The Board would like to thank the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers, volunteer workers and various other persons and associations for their excellent cooperation and assistance in the administration of this Act.

The Board would also like to express its appreciation and gratitude to the news media for publicizing the benefits available under the Act.

Respectfully submitted,

F. W. Greer
Acting Chairman

J. M. Nutter
Commissioner

B. Korman
Commissioner

E. Wood
Commissioner

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-86	1987	1988	Total to Date
Applications received	11,431	2,173	2,820	16,424
Number of awards granted	7,641	1,861	1,973	11,475
Awards paid	$27,768,490	$5,460,662	$6,300,797	$39,529,949

SUMMARY OF APPLICATIONS AND DISPOSITION

January 1, 1988 to December 31, 1988	
Applications carried forward from prior years	465
Applications received in 1988	2,820
	3,285

Disposition of Applications:

(a) Applications allowed – awards granted	1,973
(b) Applications denied – awards to applicants not allowed	264
(c) Applications withdrawn/abandoned	4
(d) Applications carried forward to 1989	1,044
	3,285

Summary of awards:

(a) Number of lump sum awards granted in 1988	1,881
(b) Number of periodic awards granted in 1988	92
(c) Lump sum payments	$4,285,649
*(d) Periodic payments	2,015,148
	$6,300,797

*Includes ongoing payments on claims adjudicated in prior years

CRIMES INVOLVED ON AWARDS GRANTED

DANGEROUS USE OF FIREARM	8
COMMON NUISANCE CAUSING HARM	8
CAUSING BODILY HARM BY CRIMINAL NEGLIGENCE	6
MURDER	43
MANSLAUGHTER	43
ATTEMPTED MURDER	9
SEXUAL TOUCHING OF PERSONS UNDER 14	379
INVITE SEXUAL TOUCHING OF PERSONS UNDER 14	16
SEXUAL EXPLOITATION OF YOUNG PERSONS	13
INCEST	16
CAUSING BODILY HARM WITH INTENT	4
ABDUCTION OF PERSON UNDER 14	1
KIDNAPPING	4
ASSAULT	260
ASSAULT WITH WEAPON OR CAUSING BODILY HARM	282
AGGRAVATED ASSAULT	16
UNLAWFULLY CAUSING BODILY HARM	11
ROBBERY	86
SEXUAL ASSAULT	708
SEXUAL ASSAULT WITH WEAPON, THREATS TO 3rd PARTY OR CAUSING BODILY HARM	6
AGGRAVATED SEXUAL ASSAULT	44
INTIMIDATION BY VIOLENCE	10
MISCHIEF CAUSING ACTUAL DANGER TO LIFE	5
ARSON	8
ASSISTING A PEACE OFFICER	1
PREVENTING A CRIME	1
	1,973

SUMMARY OF EXPENDITURES

For the year ended 31 December 1988

Claim Costs:		
Awards paid		$6,300,797
Administration Costs:		
Salaries and payroll	$472,349	
Occupancy and other service costs	75,155	
Travel and field investigations	25,203	
Communications	11,593	
Equipment	10,704	
Supplies and stationery	4,961	
Miscellaneous	915	
Less third party recoveries	(35,016)	565,864
Total Expenditure		$6,866,661

APPLICATIONS BY AREA

ABBOTSFORD	37
AGASSIZ	5
AHBAU CREEK	1
AHOUSAT	1
AIYANSH	1
ALDERGROVE	13
ALERT BAY	1
ARMSTRONG	4
ARRAS	1
ASHCROFT	4
BABINE LAKE	1
BARRIERE	2
BLACK CREEK	1
BRACKENDALE	1
BURNABY	126
BURNS LAKE	2
CAAMANO PASSAGE	1
CAMPBELL RIVER	23
CANOE	1
CASTLEGAR	1
CAWSTON	1
CHASE	1
CHERRY CREEK	1
CHERRYVILLE	3
CHETWYND	7
CHILLIWACK	26
CLEARBROOK	13
CLEARWATER	6
CLOVERDALE	12
COBBLE HILL	4
COLWOOD	6
COMOX	9
COQUITLAM	62
COURTENAY	27
COWICHAN LAKE	9
CRANBROOK	5
CRESCENT BEACH	1
CRESTON	2
CROFTON	2
CUMBERLAND	3
DAWSON CREEK	9
DELTA	25
DENMAN ISLAND	1
DUNCAN	34
EDGEWOOD	1
ELKFORD	1
ENDERBY	5
ESQUIMALT	11
FANNY BAY	2
FERNIE	3
FOREST GROVE	1
FORT FRASER	1
FORT LANGLEY	1
FORT NELSON	3
FORT ST. JAMES	12
FORT ST. JOHN	14
FRASER LAKE	2
FRUITVALE	2
FULFORD HARBOUR	1
GABRIOLA ISLAND	3
GALIANO ISLAND	1
GANGES	2
GIBSON ISLAND	3
GIBSONS LANDING	3
GOLD RIVER	2
GOLDEN	4
GOOD HOPE LAKE	1
GRAND FORKS	4
GRANISLE	2
GREENVILLE	4
GREENWOOD	2
HANEY	2
HARRISON HOT SPRINGS	4
HARRISON LAKE	1
HARTLEY BAY	5
HAZELTON	3
HEDLEY	1
HEFFLEY CREEK	1
HOLBERG	2
HONEYMOON BAY	1
HOPE	5
HORNBY ISLAND	3
HOUSTON	1
HUNTINGDON	4
INGENIKA RIVER	2
INVERMERE	1
KALEDEN	1
KAMLOOPS	61
KASLO	3
KELOWNA	82
KEREMEOS	2
KIMBERLEY	1
KISPIOX	1
KITIMAT	30

APPLICATIONS BY AREA (continued)

KITKATLA	1
KITSAULT	1
KITWANCOOL CREEK	1
KITWANGA	3
KLEMTU	1
LADNER	1
LADYSMITH	6
LAKE ERROCH	1
LANGFORD	1
LANGLEY	45
LANTZVILLE	2
LIKELY	1
LILLOOET	11
LOGAN LAKE	1
LOUIS CREEK	1
LUMBY	1
MACKENZIE	6
MAPLE RIDGE	23
MARYSVILLE	1
MASSET	3
MATSQUI	14
McCORVIE LAKE	1
McLEESE LAKE	2
MERRITT	8
MERVILLE	1
MIDWAY	2
MISSION CITY	32
MORICETOWN	6
MOUNT CURRIE	2
MOUNT STEVENSON	1
NAKUSP	1
NANAIMO	142
NASS CAMP	1
NELSON	4
NEW WESTMINSTER	64
NORTH BEND	4
NORTH VANCOUVER	50
OKANAGAN FALLS	1
OLALLA	3
OLIVER	4
OSOYOOS	4
PARKSVILLE	1
PEACHLAND	3
PEMBERTON	1
PENDER HARBOUR	1
PENDER ISLAND	1
PENTICTON	36
PINAUS LAKE	1
PITT MEADOWS	4
PORT ALBERNI	45
PORT COQUITLAM	30
PORT HAMMOND	1
PORT HARDY	10
PORT McNEILL	1
PORT MOODY	18
POWELL RIVER	16
PRINCE GEORGE	85
PRINCE RUPERT	5
PRINCETON	2
QUADRA ISLAND	1
QUALICUM BEACH	5
QUEEN CHARLOTTE	2
QUESNEL	25
REVELSTOKE	10
RICHMOND	60
ROBERTS CREEK	2
ROCK CREEK	3
ROSEDALE	1
ROSSLAND	2
ROYSTON	1
RUSKIN	3
RUTLAND	1
SAANICH	19
SAANICHTON	1
SALT SPRING ISLAND	1
SANDSPIT	2
SARDIS	3
SECHELT	9
SHAWNIGAN LAKE	4
SHUSWAP	1
SHUSWAP LAKE	1
SICAMOUS	10
SIDNEY	3
SLOCAN	1
SMITHERS	7
SOINTULA	5
SOMENOS	1
SOOKE	9
SQUAMISH	15
ST. THOMAS BAY	2
STEVESTON	1
STEWART	1
SUMAS	2
SURREY	194

APPLICATIONS BY AREA (continued)

TACHIE	2
TAKLA LANDING	2
TELEGRAPH CREEK	1
TELKWA	1
TERRACE	20
TETE JAUNE	2
THETIS ISLAND	1
TOBA INLET	1
TOFINO	1
TRAIL	2
TUMBLER RIDGE	1
UCLUELET	3
VALEMOUNT	1
VANCOUVER	566
VANDERHOOF	6
VERNON	44
VICTORIA	154
WELLS	1
WEST VANCOUVER	9
WESTBANK	8
WESTHAM ISLAND	1
WHALLEY	1
WHITE ROCK	13
WILLIAMS LAKE	23
WILLOW RIVER	1
WINDERMERE	1
WINFIELD	1
WOSS	1
WYNNDEL	2
YARROW	1
YELLOW POINT	1
YOUBOU	1
ZEBALLOS	1
100 MILE HOUSE	5
	2,820

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims.

ILLUSTRATION NO. 1

On September 11, 1987 and commencing during early morning hours, the claimant was confronted by a knife wielding man who had gained entry into the premises of her residence in Grand Forks, B.C. The claimant was subsequently bound and tied, gagged and then sexually assaulted by the offender. Thereafter, she was abducted in the family car and during an ensuing period of hours was transported to the vicinity of West Vancouver. Throughout the ordeal the claimant was continually subjected to extreme fear for her safety by the assailant who constantly reminded her of his possession of a knife. The claimant was also robbed of an amount of cash and of a credit card which the offender used to purchase gas for the vehicle as well as food. At approximately 7:50 p.m. of the day of her abduction, she was driven to a deserted area in the vicinity of Cypress Bowl Provincial Park and at which point she was repeatedly sexually assaulted. The claimant was thereafter driven to Horseshoe Bay, B.C. at which place she was forced to remain in the company of the assailant for the remainder of the night. She managed to escape during the early morning and by summoning assistance from persons who had arrived at the scene. The offender fled on foot but was later arrested by police. He has been charged with being unlawfully at large after having escaped lawful custody in Alberta. He was also charged with unlawful confinement and sexual assault with a weapon.

The claimant was seen at hospital emergency ward following this ordeal. She suffered from multiple abrasions of the buttocks. No other physical injuries were sustained. She was also seen with respect to a state of extreme anxiety relatable to this episode. It is considered that the physical injuries have healed. An anxiety state has persisted. It is anticipated that the anxiety symptoms will gradually subside. The claimant is not considered to be disabled and no other sequelae are to be expected.

The claimant was not employed at the time of this occurrence. There is no claim for loss of wages. The claimant sustained the loss of items of clothing during this incident. An assessment of $50.00 is made in that regard. The claimant also claims the loss of an amount of cash relatable to items of purchase made by the offender during this incident and including purchases of gasoline, food and two packages of cigarettes. While these items are not directly compensable as being relatable to a theft committed by the offender, the matter shall receive general regard under the heading of inconvenience. The claimant also claims miscellaneous costs incurred in a motel stay while giving a statement to police during their investigation and costs of airfare incurred in her return home following this ordeal. This matter shall also be considered under the heading of inconvenience. Costs incurred in the claimant's election to replace her bedspread and her car following this incident are not compensable under the Act.

The claimant is a victim of crime within the meaning of the Act and is entitled to be compensated for the injuries sustained in this incident. Taking into consideration the nature of the injuries sustained as well as the nature and degree of the pain, suffering, mental anxiety and inconvenience an additional award of $6,500.00 is assessed to compensate the claimant in that respect. Such award is not determined to be unreasonable in light of the claimant's circumstances and in view of the duration and situation surrounding this ordeal.

Section 20(3) of the Act provides that the Board has full discretionary power at any time to reopen, rehear and redetermine any matter that has been dealt with by it. In the event that the claimant would benefit from an appropriate program of therapy from a qualified specialist in order to assist her in dealing with the emotional aftermath of this incident and should the costs incurred in that regard not be otherwise payable under a medical plan, she may apply for further consideration of her claim in this regard.

Section 3(2)(a) of the Act provides that an award of compensation may be made subject to terms and conditions the Board considers necessary or advisable with respect to the payment, disposition, allotment or apportionment of the compensation.

AWARD: $6,550.00

ILLUSTRATION NO. 2

On January 1, 1986 at approximately 6:00 p.m. B, then age 27, states that she received injuries when attacked and thrown into the laneway in Surrey, B.C. B states that the male assailant deliberately attacked her by throwing her into a lane. Her injuries were sustained when she was struck by a passing car. No criminal charges have ever been laid in connection with this incident.

Investigation indicates that the office of Crown Counsel had refused to proceed with criminal charges against the alleged offender. According to the police investigation report this incident occurred after a confrontation between B's husband and the alleged assailant. Evidently both B's husband and the alleged assailant each blame the other for a confrontation which involved respective vehicles driven by each of the two men. Each indicate that the other had been driving erratically and each indicate that the other had attempted to pass the erratic driver. This apparently led to a confrontation after both cars stopped at the road side. While B's husband blames the alleged assailant for striking the first blow, the alleged assailant indicates that B's husband was responsible for attacking him. In any event, the police state, during this altercation the alleged assailant's wife became involved and which apparently brought B into the fray. According to the police report the alleged assailant acted in the interests of protecting his wife who he thought was being attacked by B. The alleged assailant apparently grabbed B. The police report states that B then "lost her balance and fell into the oncoming traffic and was struck on the head by a passing vehicle, the vehicle did not stop". The alleged assailant indicates that B's husband subsequently threatened him with a rifle at a location a short distance away. B's husband denies this although admits that he followed the alleged assailant to the second location. He also admits that he was armed at one stage with a baseball bat which he states that he later disposed of.

The Criminal Injury Compensation Act defines a victim of crime as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Under the circumstances of this case, and particularly in the absence of criminal charges as well as police opinion in this case, there is considered to be insufficient evidence that B is a victim of crime within the meaning of the Act. The fact of injury alone is not sufficient to justify such conclusion. It is evident that the incident involving B arose directly out of a confrontation between B's husband and the alleged assailant. Both men each accuse the other of being the aggressor. The police and the office of Crown Counsel are both apparently of the opinion that the injury which resulted to B was as a result of an unfortunate accident. The police state that there is no evidence that the alleged assailant had intended to injure B and no evidence that he had thrown her or had intentionally caused her to fall into oncoming traffic. Accordingly, the office of Crown Counsel declined to pursue criminal charges. Under the circumstances, and particularly in absence of criminal charges and in view of police opinion in this case, it cannot be concluded that B is a victim of crime within the meaning of the Act. She is accordingly not entitled to any benefits under the Act. The police are apparently of the opinion that B's injury arises as a result of an unfortunate accident as opposed to any criminal act on the part of the alleged assailant.

NO AWARD

ILLUSTRATION NO. 3

On December 20, 1987 at approximately 1:30 a.m. C, then age 17, was attacked and struck on the arm with a machete wielded by a male person during a confrontation in the area of a street in front of a private residence in Vancouver, B.C. C indicates that the incident occurred without warning and after the offender had been struck with one or more snowballs thrown by other youths in the area. According to the police investigation report, however, the assailant had become enraged by the throwing of snowballs at his car and at his person. The police indicate that C had been involved in a confrontation with this individual and had in fact engaged in an argument immediately prior to the incident in which C was attacked. Due to a lack of identification evidence no criminal charges have been laid in connection with this episode.

C was hospitalized for five days with injuries described as a laceration of the left forearm and compound fracture of the left radial head. The wound was explored and excised and an open reduction and internal fixation of the fracture carried out. On June 16, 1988 he was examined by a Board doctor and interviewed by a Board investigator. The medical examination revealed that he has recovered from the injuries. He is left with a ten

degree restriction in extension of the left elbow joint. In the opinion of the Board doctor this does not constitute a disability. A resulting handicap is estimated at 1% of total. No other sequelae of the injuries are to be expected.

C was casually employed as a labourer at the time of this incident. His hourly wage amounted to $4.50. It is considered that he was disabled for a period of approximately eight to ten weeks. He states that he sustained some damage to a leather coat due to this incident. Taking into account reasonable wear and tear, an assessment of $65.00 is made in that regard.

There is considered to be sufficient evidence from which to conclude that C is a victim of crime within the meaning of the Act. He is accordingly entitled to be compensated in respect of the injuries sustained in this incident.

However, Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. It must be noted that according to police investigation C had involved himself in a confrontation and argument with the offender prior to this incident. It is apparent that the actions of C drew the attention of the offender to C. While there is no justification for the actions of this person it is considered that C has contributed toward this situation to some extent and that contribution shall be taken into account in the assessment of the award.

Taking into consideration C's contribution toward the injuries, the net loss of wages that may have been sustained due to the injuries, the nature of the injuries sustained and the pain, suffering and inconvenience occasioned thereby, an additional award of $1,800.00 is assessed to compensate C in that respect.

Section 8(1) of the Act provides that compensation may be awarded whether or not any person is prosecuted for or convicted of the offence giving rise to the injury.

REDUCED AWARD: $1,865.00

EXAMPLES OF ALLOWED CLAIMS

871347 A 22-year-old male was attacked, punched in the face and knocked heavily to a concrete floor in a nightclub in Prince George, B.C. Offender charged with assault causing bodily harm. Victim required hospitalization for three weeks with multiple injuries including a cerebral concussion, basal skull fracture with extra cerebral bleeding in the middle ear space and post concussion symptoms of headache and amnesia. Victim required only conservative treatment. AWARD: $4,679.23 (ambulance expense – $166.33; transportation costs – $112.90; loss of wages, pain and suffering, etc. – $4,400.00)

871357 A 28-year-old female was shot twice with a handgun by her estranged common-law husband at victim's residence in Prince Rupert, B.C. Due to the subsequent death by suicide of the assailant no criminal charges were pursued in connection with the incident. Victim required several weeks hospitalization with multiple gunshot wounds including wounds to the left breast, a perforation of the small bowel, perforations of the transverse colon, two gastric perforations and a wound to the left thigh resulting in compound fractures of the left femoral neck. The wounds were explored during surgery and a temporary colostomy was performed. The femoral fracture required open reduction. Victim is left with multiple scars. AWARD: $6,500.00 (loss of wages, pain and suffering, etc.)

871705 A 23-year-old male received facial injuries when struck in the face with a beer glass by a man in a nightclub in New Westminster, B.C. Culprit was not subsequently identified. Victim received extensive and complicated lacerations about the upper lip and nose. He has been left with significant scarring. AWARD: $2,530.00 (clothing damage – $30.00; pain and suffering, etc. – $2,500.00)

871930 A 38-year-old male was attacked, beaten and robbed by several persons on a street in Vancouver, B.C. A man and woman were later charged with robbery. Victim did not require any specific medical treatment for injuries described as multiple contusions and abrasions. AWARD: $505.00 (clothing damage – $40.00; repairs to eyeglasses – $65.00; pain and suffering, etc. – $400.00)

871796 An 11-year-old female was attacked and sexually assaulted in a deserted area in Burnaby, B.C. Offender convicted of 14 counts of sexual assault in relation to this and other similar incidents and sentenced as a dangerous offender to an indeterminate prison term. Victim was not physically injured but required treatment for an anxiety state. AWARD: $3,050.00 (clothing damage – $50.00; pain and suffering, etc. $3,000.00)

871968 An 11-month-old female was attacked an sexually assaulted and abused by her father in whose company she had been left at a residence in Victoria, B.C. The offender was later charged with sexual assault. Child required one week hospitalization for an anal injury described as stellate lacerations about the entire anal ring. Victim recovered from the injury and an accompanying anxiety state. AWARD: $2,040.00 (transportation costs – $40.00; pain and suffering etc. – $2,000.00)

872018 An 88-year-old male was attacked, punched and thrown to the ground by a male assailant during a robbery incident on a street in Vancouver, B.C. Culprit has not since been apprehended or identified. Victim hospitalized for one week and treated conservatively for multiple contusions and abrasions and fractures of four ribs. AWARD: $2,600.00 (pain and suffering, etc.)

87082 A 24-year-old female sustained fatal injuries when severely beaten by her common-law husband at their residence in Telegraph Creek, B.C. The offender pleaded guilty to a charge of manslaughter and was sentenced to eight years imprisonment. Application is made on behalf of deceased's children born respectively on January 11, 1986, October 23, 1983 and December 9, 1980. Deceased was not employed at time of her death but had been employed with Statistics Canada and had also worked part-time at a post office. There was evidence that the children had been dependent upon the deceased for support at the time of her death. AWARD: $2,161.00

(funeral and burial expenses) plus periodic payments of $150.00 per month subject to future cost of living adjustments and payable in trust to the Office of the Public Trustee until the children are adopted or attain the age of 18 years and continuing to age 21 years if the children continue regularly to attend an academic, technical or vocational school.

871139 A 25-year-old male was attacked and shot in the head with a gun by another man during a drinking party at a residence in Vancouver, B.C. Offender had been shooting at targets when victim struck by a bullet which had ricochetted. Culprit convicted of causing bodily harm by criminal negligence. Victim suffered a traumatic brain injury, an acute subdural hematoma, a complicating multiloculated intracerebral abscess, a dense left hemiplegia cognitive and perceptual deficits, bilateral homonomous hemianopsia, contractures of both the left arm and leg and right leg, a 7 cm. biparietal craniotomy defect and left facial paralysis. The victim required extensive hospitalization and multiple surgeries. Victim remains permanently paralyzed in his limbs and is unable to transfer himself from bed to chair. Victim not employed at the time of injury. AWARD: Periodic payments of $912.13 per month commencing to be payable on November 15, 1986 and continuing thereafter on or about the last day of each succeeding month until victim's demise.

872092 A 21-year-old male was attacked and struck in the face with a beer mug by an intoxicated man in a bar in Surrey, B.C. A warrant for the arrest of the offender is outstanding on a charge of assault in relation to the incident. Victim hospitalized for four days with multiple deep lacerations about the face and eyes and including a laceration and rupture of the left globe resulting in prolapse of the iris and a condition of hyphema. Victim left with permanent condition of blurred vision in one eye which is not capable of correction by way of eyeglasses. Prominent scars also remain. AWARD: $16,525.00 (clothing damage – $25,000; loss of wages, pain and suffering, etc. – $16,500.00)

871395 A 70-year-old female sustained multiple injuries when attacked and bitten repeatedly by two dogs in an alley in Kamloops, B.C. Criminal charges of causing bodily harm by criminal negligence were laid against the owner of the dogs. Victim hospitalized for two weeks with multiple dog bite wounds including a 10 cm. laceration to the medial right thigh, 7 cm. and 4 cm. lacerations to the left calf and multiple puncture wounds. Victim required immediate blood transfusion due to extensive blood loss. Extreme stress suffered by victim led directly to her suffering a myocardial infarction with complicating atrial fibrillation and congestive heart failure. She subsequently recovered from the injuries and complications. AWARD: $10,155.00 (clothing damage – $110.00; transportation costs – $45.00; pain and suffering, etc. – $10,000.00)

88098 A 35-year-old female suffered nervous shock, anxiety and stress as a result of the deliberate setting of a fire by victim's estranged common-law husband at victim's residence in Vancouver, B.C. Culprit apprehended and charged with breaking and entering and arson. Victim did not sustain physical injuries but required psychotherapy for some time due to symptoms of anxiety and stress. AWARD: $1,800.00 (pain and suffering, etc.)

88064 A 51-year-old male sustained multiple head and scalp injuries when struck by glass fragments while standing on a street in Vancouver, B.C. The incident occurred due to the act of an intoxicated man in breaking a second story window in an apartment above the location at which victim was standing. Police investigation derived sufficient evidence to lay a charge of mischief against offender. Victim treated conservatively at hospital emergency ward for multiple lacerations of the scalp and head. AWARD: $1,108.00 (clothing damage – $50.00; medical costs – $108.00; pain and suffering, etc. – $950.00)

88116 A 38-year-old male received injury when knocked to the ground by an unknown person while the offender was riding a bicycle while victim was crossing a street at a crosswalk in Vancouver, B.C. The culprit has not since been identified. Victim required hospitalization for eight days and surgical treatment for an intertrochanteric fracture of the right hip joint. Victim underwent convalescence for several months. Concluded that victim of crime of common nuisance entitled to compensation. AWARD: $10,287.14 (hospital co-insurance – $30.00; drug expense – $6.84; medical appliance expense – $126.80; transportation costs – $23.50; loss of wages, pain and suffering, etc. – $10,100.00)

88675 A 57-year-old male suffered an ordeal during which he and members of his family were confronted and terrorized for a period of hours by a rifle wielding, mentally deranged man in the immediate neighbourhood of victim's residence in Ruskin, B.C. Offender continually verbalized death threats and at one point discharged his firearm into a nearby building. The culprit was ultimately fatally injured during a shoot-out with police. Victim and his family did not sustain physical injuries but did undergo psychotherapy in connection with mental and emotional trauma arising from the incident. AWARD: $2,200.00 (pain and suffering, etc.) Provision also made for coverage of future psychotherapy costs as required.

88563 A 27-year-old male received multiple burn injuries when doused with hot coffee thrown by a man with whom he had been arguing at a recreation centre in Kelowna, B.C. Offender pleaded guilty to an assault charge. Victim treated conservatively at hospital emergency ward for scald burns to the lower jaw and left lower neck. AWARD: $950.00 (pain and suffering, etc.)

88059 A 31-year-old male was attacked, slashed, stabbed with a knife and castrated by two men at a residence in Nanaimo, B.C. The offenders were charged with attempted murder. Victim required extensive hospiatlization for multiple stab wounds and lacerations as well as the amputation of the penis and testicles. Several operative procedures were undertaken. While attempts at re-attachment of the penis were successful, procedures to re-attach the testicles were not. Victim has been left with a residual condition of the permanent loss of both testes and with resulting mental and emotional difficulties and a condition of sexual dysfunction. AWARD: $25,000.00 (pain and suffering, etc.) This is the maximum lump sum award payable under the provisions of the Act.

88686 An 18-year-old female was attacked from behind, struck on the head and robbed by an unknown person in a building in Richmond, B.C. The offender has not been identified. Victim treated at hospital emergency ward for multiple contusions of the head and neck. She recovered uneventfully. AWARD: $1,350.00 (loss of wages, pain and suffering, etc.)

88559 A 72-year-old female was attacked, knocked to the ground and robbed by a male youth on a street in Vernon, B.C. The offender was charged with robbery. Victim required hospital treatment for multiple contusions and abrasions and a condition of retinal detachment of the left eye. While victim had, due to a previous medical condition, been left with only partial sight in the left eye, the injury sustained in this incident rendered the eye totally blind. AWARD: $6,700.00 (transportation costs – $200.00; pain and suffering, etc. – $6,500.00)

88767 A 31-year-old male was attacked and stabbed repeatedly with a knife by a fellow inmate while victim was serving a term of incarceration in a penal institution in Matsqui, B.C. The evidence indicated victim was attacked completely without provocation. Due to a lack of evidence identifying the offender no criminal charges were pursued. Victim required hospital treatment for multiple stab wounds of the head, neck and face. He recovered uneventfully. AWARD: $1,600.00 (pain and suffering, etc.)

88183 A 20-year-old male was attacked and punched in the face by his intoxicated brother at victim's residence in Campbell River, B.C. As assailant was placed under the terms of a peace bond criminal charges were not pursued. Victim required three days hospitalization for treatment of multiple facial fracture including the left zygoma, left orbital floor and left angle of the mandible. Victim's jaws were wired for seven weeks. AWARD: $6,469.03 (medical expenses – $2,624,03; clothing damage – $45.00; loss of wages, pain and suffering, etc. – $3,800.00)

88273 A 33-year-old female was attacked, beaten and stabbed by a man and woman following a drinking party at a residence in Tofino, B.C. The offenders were charged with assault causing bodily harm. Victim required one month of hospitalization with multiple injuries including a stab would of the liver and abrasion of the large bowel, a condition of flail chest, a right pulmonary contusion and fractures of seven ribs. Extensive abdominal surgery was required as well as treatment for subsequent complicating infections. Victim convalesced

for approximately three additional months. AWARD: $5,140.00 (clothing damage – $60.00; transportation costs – $80.00; pain and suffering, etc. – $5,000.00)

88141 A 27-year-old male was attacked and punched in the face by a man near a cabaret in Langley, B.C. Victim attacked after observing offender commit a hit-and-run driving infraction and following which victim had attempted to intercede in the situation. Offender convicted of an assault charge. Victim received treatment at hospital emergency ward for multiple lacerations about the left eye. Remaining scars constitute cosmetic defects. AWARD: $2,682.00 (medical expense – $30.00; replacement eyeglasses – $134.00; dental costs – $30.00; travel expense – $20.00; clothing damage – $18.00; loss of wages, pain and suffering, etc. – $2,450.00) Provision made for future dental repairs necessitated by incident.

881697 An 18-year-old female sustained fatal injuries when shot by her emotionally unstable and jealous boyfriend who wielded a shotgun in a car on a street in Surrey, B.C. The offender committed suicide shortly thereafter. Application is made by the parents of the deceased for loss of pecuniary benefit and approximately $3,900.00 in funeral and incidental expenses. Victim resided with her parents at the time of her death and had provided various assistance to them. AWARD: $6,500.00 (funeral and burial expenses – $2,918.99 and the balance in recognition of pecuniary loss due to deceased's death)

EXAMPLES OF DISALLOWED CLAIMS

871093 A 36-year-old female alleged that she was attacked and sexually assaulted by three male persons near an intersection in Vancouver, B.C. No criminal charges were laid in connection with the alleged incident. According to police, claimant had been the source of a number of other similar stories all of which had been determined to be "unfounded". Claimant not considered to be a credible witness with respect to this alleged incident. No award was granted in view of the lack of evidence that a criminal assault of any kind had taken place at the time of the alleged incident.

871629 A 52-year-old male alleged that he was attacked, abused and assaulted by two men during a robbery incident on a street in Vancouver, B.C. No criminal charges were laid in connection with the occurrence. Hospital and ambulance records indicate that claimant's story concerning an alleged robbery was a complete fabrication. Claimant admitted to ambulance staff that he had in fact been injured during an altercation with a bouncer at a local bar during the night in question. The story of the alleged robbery was in fact never reported to police. No award was granted in view of claimant's total lack of credibility with respect to the alleged robbery.

871793 A 31-year-old male alleged that he was attacked, threatened, bound and tied and robbed by a handgun wielding man and a knife wielding female person after the offenders had forced their way into his residence in New Westminster, B.C. According to police this entire incident arose directly from the illicit drug trade and as a result of claimant's participating in trafficking in illicit drugs. Claimant also known to be well aware of the identities of the persons who allegedly attacked him. Claimant did not divulge this information to police. No award was granted due to fact that this incident arose from the illicit drug trade as well as claimant's own obvious lack of credibility in this matter.

871726 A 12-year-old male alleges that he sustained injuries due to a fall from a motorcycle near his family's residence in Mission, B.C. No criminal charges were laid in connection with the incident. Claimant alleges that his fall was due directly to a threat made by a man who wielded a stick while claimant was riding the motorcycle. Police investigation did not derive any evidence to indicate that applicant was either struck with the stick or in any way assaulted or threatened. No award was granted as there was insufficient evidence to indicate that the injuries were the result of a crime as defined in the Act. The weight of the evidence indicated that the occurrence took place as an unfortunate accident.

871652 A 38-year-old male alleges to have sustained injuries in unknown circumstances near a hotel in New Westminster, B.C. Claimant had virtually no recollection of the incident. He recalled having consumed alcohol earlier during the day in question and to later awakening in the police lock-up. Claimant was found near a hotel lobby in an unconscious state. No criminal charges were ever laid. No award was granted as there was insufficient evidence to indicate that this incident arose from the commission of a crime as defined in the Act. There was also evidence that applicant had advised hospital staff at one point that he was injured due to having "fallen".

88174 A 35-year-old male made application in respect of an incident during which his home was broken into and "ransacked" by an unknown person in Surrey, B.C. Damage was done to the residence itself as well as personal property within the home. Applicant who was away from the residence at the time did not sustain any physical or personal injuries. No award was granted as there is no provision under the Act for payment of compensation in respect to either damage occasioned to the applicant's residence or personal property such as furniture within the home.

88063 A 59-year-old female alleges that she sustained injuries when she fell to the ground upon seeing two large dogs running in her direction in a park in Victoria, B.C. No criminal charges were laid in connection with the incident. There was no evidence that the dogs had attacked the applicant or that the animals had in any way threatened or had come into the immediate area occupied by the claimant. No award was granted as there was insufficient evidence to show that this incident arose from the commission of a crime as defined by the Act as opposed to an unfortunate accident.

88491 A 24-year-old female alleges that she was attacked, abducted, driven to a deserted area and repeatedly sexually assaulted by three male persons in Richmond, B.C. Applicant alleges to have been abducted while walking on a Vancouver street. Police investigation determined that applicant had been acting in the capacity of a prostitute at the time of this incident and had voluntarily accompanied the alleged offenders for the purpose of performing a sexual service for an agreed amount of money. Police investigation indicated that after performing the sexual service the applicant was abandoned at the scene and without payment. No award was granted as applicant had not made a full and frank disclosure of the true circumstances surrounding this incident. There was also evidence that the incident did not arise as a sexual assault but rather an act of prostitution in which applicant was a voluntary participant.

88790 A 21-year-old female alleges that she was attacked, grabbed by the hair and thrown backwards to the ground by a female police officer near a restaurant in Burnaby, B.C. Applicant did not lay criminal charges in connection with the occurrence. The evidence indicated that the incident involving applicant occurred during a lawful arrest by police of a male person who was an associate of the applicant's. It also indicated that applicant had behaved in an unruly and violent manner and had attempted to interfere with the arrest. No award was granted as applicant had contributed toward her injuries to such an extensive degree as to disentitle her to any award of compensation.

881189 A 28-year-old male alleges that he was attacked for no reason and punched in the face by another man on a street in White Rock, B.C. No criminal charges we laid in connection with the occurrence. Investigation indicated that applicant did not make any report of the event to police until almost one week later and did not attend the police office for the purpose of giving a statement or assisting in police investigation until an additional ten days had elapsed. Investigation later revealed that applicant had been a voluntary participant in a fight when he was injured. No award was granted in the circumstances and in particular as applicant was the author of his own misfortune in this incident.

881011 A 27-year-old female alleges that she was attacked and beaten by one or two male persons as she and a female companion were walking on a road in Surrey, B.C. No criminal charges were laid. According to police, applicant did not cooperate with police during their investigation. There was also evidence that applicant had

been a participant in a confrontation with the alleged offender prior to the incident. No award was granted as due to the non-cooperation of the applicant there was a shortage of evidence to indicate that she was other than a voluntary participant in an altercation in which she was the author of her own misfortune.

88369 A 34-year-old male alleges that he was attacked, punched and kicked by a group of five male persons while he was jogging in a park in Vancouver, B.C. Investigation indicated that applicant had not reported the alleged incident to the police. No award was granted as due to the lack of any police investigation there is no independent or objective evidence to corroborate applicant's story concerning the alleged assault. In absence of some corroboration of applicant's story there was considered to be insufficient evidence to conclude that he was entitled to any benefits under the Act.

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